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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

TIMMY JOHN WEBER,  
  
Petitioner,  
  
vs.  
  
WILLIAM GITTERE, *et al.*,  
  
Respondents.

Case No. 3:11-cv-00104-RFB-WGC

**UNOPPOSED MOTION FOR  
ENLARGEMENT OF TIME TO FILE  
RESPONSE TO THIRD AMENDED  
PETITION (ECF NO. 79)**

**(FIRST REQUEST)**

**(DEATH PENALTY)**

Respondents move this Court for an enlargement of time of sixty (60) days from the current due date of October 1, 2021, up to and including November 30, 2021, in which to file their Response to Timmy John Weber's Third Amended Petition for Writ of Habeas Corpus (ECF No. 79). This Motion is made pursuant to FED. R. CIV. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached declaration of counsel. This is the first enlargement of time sought by Respondents to file the response to the Third Amended Petition, and the request is brought in good faith and not for the purpose of delay.

DATED: October 1, 2021.

Submitted by:

AARON D. FORD  
Attorney General

By: /s/ Erica Berrett  
Erica F. Berrett (Bar. No. 13826)  
Deputy Attorney General

**DECLARATION OF ERICA BERRETT**

STATE OF NEVADA     )  
                                  ) ss:  
COUNTY OF CLARK    )

I, ERICA BERRETT, being first duly sworn under oath, deposes and states as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in *Timmy John Weber v. William Gittere, et al.*, Case No. 3:11-cv-00104-RFB-WGC, and as such, have personal knowledge of the matters contained herein.

2. This Motion is made in good faith and not for the purpose of delay.

3. The deadline to file the response to the Third Amended Petition (ECF No. 79) is October 1, 2021.

4. I assumed responsibility for this matter shortly after Petitioner filed his Third Amended Petition. I entered my appearance on August 10, 2021. ECF No. 81. Since that time, my office has made efforts to obtain and organize the most recent state court records in this matter in preparation to file a response. Additionally, I have had to work on several other federal habeas matters that prevented me from reviewing the lengthy procedural history and record in this matter. Since entering my appearance, I have filed the following documents in other federal habeas matters: an answer in *Custer v. Marquez-Espino, et al.*, 2:19-cv-01633-RFB-VCF; an answering brief in the Ninth Circuit matter *Cahuec v. Smith*, 20-17470, 3:09-cv-00113-RCJ-RAM; an answer in *Zanini v. Baker, et al.*, 3:18-cv-00336-MMD-WGC; and an answer in *Madrid v. Howell, et al.*, 2:19-cv-01659-APG-NJK. I am currently finalizing a motion to dismiss in *Randolph v. Baker, et al.*, 2:18-cv-00449-RFB-VCF, which is due in one week. While working on these cases, I have been unable to complete the response to Weber's Third Amended Petition.

5. I contacted Petitioner's counsel regarding this request, and she does not oppose it.

6. Based on the foregoing, I respectfully request an enlargement of time of sixty (60) days, up to an including November 30, 2021, in which to file the response to the Third Amended Petition (ECF No. 79).

Executed on October 1, 2021.  
IT IS SO ORDERED:



RICHARD F. BOULWARE, II  
United States District Judge

/s/ Erica Berrett  
Erica F. Berrett (Bar No. 13826)  
Deputy Attorney General

DATED this 5th day of October, 2021.

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing *Unopposed Motion For Enlargement Of Time To File Response To Third Amended Petition (ECF No. 79) (First Request)* with the Clerk of the Court by using the CM/ECF system on October 1, 2021.

The following participants in this case are registered CM/ECF users and will be serve by the CM/ECF system:

Heather Fraley  
Jocelyn S. Murphy  
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/s/ M. Landreth  
An employee of the Office of the Attorney General